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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2102 of 2003

New Delhi, this the 11th day of May, 2004

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. Programme Staff Welfare Association of All India Radio & Doordarshan (Regd.)
Through its General Secretary Shri A.N.Rai
11, Annexe, Broadcasting House,
All India Radio, Sansad Marg,
New Delhi-110001.
2. Shri Pramod Mehta,
Programme Executive, All India Radio,
Sansad Marg, New Delhi.
3. Shri S.C. Bhatia,
Programme Officer,
D.T.P.E.S., All India Radio,
Akashwani Bhawan,
New Delhi. Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001.
2. Prasar Bharti,
Through its Chief Executive Officer,
Broadcasting Corporation of India,
PTI Building, Sansad Marg,
New Delhi-110001~
3. Director General (Doordarshan)
Mandi House,
New Delhi-110001~
4. Smt.V.L. Sinha
Dy. Director General (Programme)
All India Radio, Akashwani Bhawan,
New Delhi-110001.
5. Shri Ravi Naskar
Dealing Asstt. (Transfer & Posting)
S-1-B Section, All India Radio,
Room NO.230, Akashwani Bhawan,
New Delhi-110001.
6. Shri M.K. Pandey,
Section Officer,
Prasar Bharti,
Broadcasting Corporation of India,
PTI Building, Sansad Marg,
New Delhi-110001. Respondents

(By Advocate : Shri S.K. Pabb)

Ansopani

ORDER (ORAL.)**SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER :-**

This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to the respondents that in view of the Hon'ble Supreme Court's decision in the case of **S.D. Sastri Vs. Union of India and Ors.** in Civil Writ Petition no.285/1989, the applicants having been selected for specialized language/discipline programme should be transferred, posted and allocated the work of their particular field of selection.

2. The first applicant is the Association of Programme Executives represented by its Secretary. The applicant No.2 was selected through Union Public Service Commission. The applicant No.3 got promoted from the post of Programme Executive to the post of JTS as per order dated 10.1.1999. The claim of the applicants is that the staff is entrusted with the planning and production of programmes at AIR/Doordarshan stations are divided into a number of individual units, each responsible for a particular branch of activity. The Programme Executives are the heads of their respective units. The grievance of the applicants is that the respondents are "mindlessly, whimsically and arbitrarily transferring, allocating the work and posting the programme executives in a manner hampering the overall functioning/efficiency of the different units of AIR and Doordarshan as well as that of the persons heading the said units."

Ansagar

3. According to the applicants decision of the Hon'ble Supreme Court in Civil Writ Petition No.285/1989 dated 25.8.1989 is not being followed by the respondents. Therefore, this Original Application has been filed seeking the reliefs as stated earlier. In support of their contentions, the applicants have filed order of this Tribunal dated 24.12.2002 in OA No.1469/2002 in the case of Satish Vats Vs. Union of India and others. This Tribunal in the said order has cancelled the transfer order of the applicant in that case who was transferred from Music Section to Transmission Cell.

4. The respondents have opposed the present Original Application and stated that the post of Programme Executive of All India Radio/Doordarshan is a group 'B' Gazetted post and is governed by all India transfer liability. These employees are transferable through out the country in exigency of service and in public interest. Even in the appointment letter of the candidate, who were selected by the Union Public Service Commission against a particular discipline it has been mentioned that they, are liable to be entrusted with any work expected of a Programme Executive in the organisation of All India Radio and Doordarshan at the discretion of the Head of the office. It is pointed out by the respondents that after the decision of the Supreme Court in the case of S.D. Sastri (supra) as early as on 25.8.1989, the applicants have been performing their duties without any grievance. Raising such a grievance after



several years is without any basis. Respondents have further stated that it is not justified that a Programme Executive recruited in a particular discipline remain to handle the work of that discipline only. They are assigned other work as and when required as per their experience. The requirement of the station may change from time to time and they are transferred accordingly. Regarding the order of this Tribunal in the case of Satish Vats Vs. UOI & Ors. in OA 1469/2002 dated 14.12.2002, it is stated that the same is sub-judice before the Hon'ble Delhi High Court. Therefore, no reliance can be placed by the applicants on that decision. The post of Programme Executives is a feeder cadre for promotion to the post of ASD/DDP and Director, who are required to work and supervise different sections/fields and it becomes imperative to give them opportunity to work in different sections so that their abilities and resources are properly utilized for future prospects in discharging their duties in the promotional posts. No language or discipline is earmarked for ASDs and ADPs. ASD/ADP is supposed to assist Director of a particular Kendra in all matters concerning planning and production of programmes. The respondents have pointed out that the reliefs claimed are not against any particular order but general in nature. Therefore, the present Original Application deserves to be rejected in limine.

5. In the rejoinder filed by the applicants have reiterated the same points which are contained in the Original Application.



6. We have heard the learned counsel of the parties and have perused the material available on record.

7. In the present Original Application, no specific order has been challenged by the applicants. On the other hand, the applicants are seeking a general direction to post the applicant No.2 in light music and folk music and applicant No.3 in its Spoken Words (Hindi) Section. The applicants are also prayed for a general direction for posting of all Programme Executives in the discipline in which they are recruited.

8. There cannot be any dispute that the directions as per judgements of the Hon'ble Supreme Court in the case of S.D. Sastri (supra) are of binding nature. The Hon'ble Supreme Court held as follows:-


"After hearing the petitioner who appeared before us in person and the learned counsel appearing on behalf of the respondents we direct that the petitioner shall not be transferred to a place where there is no Hindi programme and that the petitioner should also be placed in Hindi Section. The respondent will also consider the case of the petitioner that he should be given co-ordination work according to the Seniority. The Writ Petition is disposed of as above. There will be no order as to costs."

9. The respondents are duty bound to consider the claims of the applicants in the light of the judgment of the Hon'ble Supreme Court in aforesaid

Chandragupta

case. However, the respondents shall have also to take into consideration other aspects like all India transfer liabilities of the applicants, needs of the organisation and promotional prospects of the applicants. In the absence of any particular grievance, specifically pointed out by the applicants, no specific direction can be issued at this stage to the respondents as claimed. However, the respondents will keep the decision of the Hon'ble Supreme Court as well as their administrative requirements and conditions of service of the applicants before making any transfer and deployment of the members of applicant No.1.

10. In the light of the observations in the preceding paragraphs, this Original Application stands disposed of without any order as to costs.


(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

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